

REMARKS

The Office action of August 17, 2004 has been received and its contents carefully noted. Applicants greatly appreciate the courtesy extended by the Examiner during a telephone conference in early September 2004.

Claims 1-2, 5, 7-10, 13, and 15-16 are pending in the application. Claims 3-4, 6, 11-12, 14, and 17-19 have been canceled. Claims 1, and 9-10, 13, and 15-16 have been amended.

Claims have been amended in accordance with Examiner's suggestions during the telephone conference to incorporate the dependent claim features of summarizing, measuring, and repetition into the independent claims 1 and 9, along with the entire range feature, making the remaining claims allowable. Therefore, no new issues have been raised in accordance with § 1.116 and the Examiner's confirmation during the conference. Thus, the present amendment should be entered and the amended claims should be deemed allowable in accordance with Examiner's confirmation during the conference.

Claims 1-2, 7, 9-10, and 15 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over prior art disclosed by applicants (Toshihiko JP 10-240774). Claims 3-6, 8, 11-14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Toshihiko. Applicants respectfully traverse these rejections, and

request allowance thereof in the continuation prosecution application for the following reasons.

Substance of Telephone Conference

Examiner and Applicants' representative held a telephone conference in early September 2004 to discuss the allowability of claims 1 and 9. Examiner maintained the current rejection of all claims. Examiner suggested amending claims 1 and 9 to incorporate the dependent claim features of measuring, summarizing, and repetition, as well as the entire range feature as noted in the last Office Action, to overcome the current claim rejections and put the application in condition for allowance. Representative agreed to consider Examiner's suggestion.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

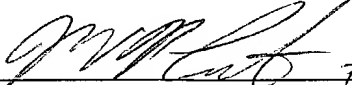
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Clint Gerdine (Reg. No. 41,035) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

C.D.

By  # 39,491
+ Michael K. Mutter, Reg.#29,680

MKM/CAG:tm
2611-0128P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000